

1964

CONGRESSIONAL RECORD — SENATE

11741

terest of \$1,372,000 was paid on the \$48 million C. & N.W. spent for suburban equipment in its modernization program. Traffic is running ahead of last year and C. & N.W. feels its suburban operations will continue to be self-sustaining unless traffic is reduced by competition subsidized by public funds. Here, Mr. Fitzpatrick gives some details of the success story.

Question. Mr. Fitzpatrick, when the present management arrived at the North Western, what was the condition of its commuter operations?

Answer. To state it bluntly, it was bad. No one was happy about the suburban service—commuters, employees or management. Equipment was old and in need of repair. Much of it was originally designed for intercity rather than suburban service. The commuter fleet as a whole was obsolete. Power was a mixture of steam and a few diesels. To make matters worse, delays were just too frequent.

We corrected the power situation rapidly with the elimination of steam engines, but the condition of the coaches disturbed us greatly. Too many did not have the high capacity required in suburban service.

We saw immediately that the job was not one of repairs but complete replacement for this highly specialized kind of service. But we also recognized the fact that unlike many nonpaying through passenger trains—which were nonpaying because they were not used by the public—that condition did not prevail in our commuter service. In other words, we not only had a market, but a growing one.

In a situation like this, there was no likelihood of abandoning commuter service even if we wanted to. The obvious approach, as we saw it, was to make the best of our commuter situation by building a completely new type of commuter service. We had 18 double-deck cars that were efficient and of high capacity. They came closer than anything else we explored to the answer to our equipment problem. Of course, we also recognized that any major changes we undertook would involve heavy investments of funds.

Question. Did North Western's management make studies of the operating area—to establish what trends were ahead for both the near and long-term future?

Answer. Yes. We had access to reliable projections of population growth in our suburban territory. There was a continuing study on this subject by our own people. We also hired a professional market-research firm—the A. C. Nielsen Co.—to make a thorough survey of our territory. We did not presume we knew all the answers just because the railroad had been in commuter service for a century. The independent research was very helpful to us in many ways. One thing we were sure of: Our suburbs were growing and we were convinced we had to modernize and prepare for even greater patronage in the future if we hoped to be competitive with modern expressways that were then under construction.

Summarizing our activity with respect to equipment, we replaced 417 old cars with 200 modern double-deckers having a greater total seating capacity. Since the abandonment of the North Shore electric line, we expanded our fleet by purchasing 10 more double-deckers. The progress of our suburban service recently has been such that I would not be surprised if we have to buy some more double-deck coaches in the near future.

Question. Was not it at the time you were exploring the equipment situation that you developed the push-pull type of operation?

Answer. Yes it was. Under conventional operations, locomotives coming into our Chicago terminal—which is a stub-end terminal—had to be backed out and, particularly with steam engines, turned for

movements outbound. The same situation was true at the other end of each suburban train run.

To avoid the need for turning was the reason why the first diesels in our suburban service were the so-called general-purpose type. But this still did not eliminate switching of locomotives at the end of runs. This bothered us—and I could not forget my experiences with Illinois Central's electric commuter trains that can be operated from either end. I was convinced this type of operation could be applied to conventional diesel-powered trains by piping the controls and electricity through the cars and building control cabs in a number of the double-deck coaches.

Our people worked on this project and, with the help of equipment manufacturers, we finally developed the push-pull equipment we have today. I might add that it has worked very well. By going to the push-pull concept, we can provide a much more efficient operation than would be possible under the old methods.

We also have taken full advantage of the diesel locomotives: All those in our suburban service have auxiliary generators providing electric power for lights, heating and air conditioning of the cars. One important result has been elimination of air-conditioning generators under the cars, as well as heavy steam piping. In fact, the complete absence of equipment and gadgets under our cars is quite noticeable. What's more important to us is that this absence of under-car equipment has saved us about 15 tons of dead weight per car.

This also has a direct bearing on maintenance, which is so much less on our double-deckers than on conventional coaches that there is no real comparison. These new cars have very little that requires costly maintenance. The air-conditioning units are inside the cars over the ceiling in the vestibules, and, as I have already pointed out, they have no individual generators. All power comes from the locomotive. Units require no fueling as do cars with conventional air-conditioning equipment.

Again with maintenance costs in mind, we told the manufacturer that what we wanted was a car that would be attractive in appearance, inside and out; have a seating capacity of at least 160 persons per car, but still be comfortable and roomy, and be capable of being cleaned, if necessary, by hosing down the interior. While I'll admit that this seemed quite an order at the time, this is a good thumbnail description of our cars. Windows are large, but of tinted glass. This makes costly window shades unnecessary. There are no painted surfaces inside the cars, even though they are colorful. Such surfaces as walls and ceiling are of textured vinyl permanently bonded on metal. Exposed metal surfaces are either stainless steel or aluminum. Seats have foam-rubber cushions upholstered in attractive but durable vinyls. So durable are these interiors that coaches 3 or 4 years in service still look like new.

Question. What about activities in the nonequipment aspects of your commuter operations—things like ticketing, advertising, marketing?

Answer. While intercity passenger service has been shrinking for many years, our suburban service has been growing in volume of business. Today our annual suburban revenues exceed \$14 million, while intercity passenger-train revenues were less than \$6 million. With the decrease in intercity service, we have focused increasing attention on the much larger commuter operation where there is a growth potential. While anyone in the area served by or suburban trains is regarded as a potential rider by us, our principal market is the motoring commuter—and much of our merchandising ef-

fort is directed at him. For the past several years, for example, we have been wooing motorists with radio commercials beamed at them during the morning and evening rush hours.

Incidentally, while we made major changes in equipment, we also modernized our commuter ticketing. All of our multiple-ride commuter tickets today are of the "flash" type, good for unlimited rides for the period purchased and requiring no punching by the conductor. Passengers place their flash tickets in appropriate holders and are not disturbed while crews check tickets. Since we inaugurated this type of commuter ticket, we have also made it available to our customers by mail. Today some 8,200 persons obtain their commuter tickets automatically every month in this manner. I understand there are some other railroads that sell suburban tickets by mail, but I believe we sell more monthly tickets under this plan than any other line in the country.

Question. How about expansion of commuter operations?

Answer. Today we have more suburban service than ever before in the history of the company. In fact, we would welcome logical opportunities for expansion. As a matter of fact—this is a volume service; I'd love to expand it. A recent example of this took place when the North Shore line discontinued its service. We immediately added service, added stops to existing trains and extended some trains to Kenosha. In fact, we even added a couple of experimental trains between Chicago and Milwaukee. We also have provided regular weekend special service for Great Lakes Naval Training Base. And, as I have mentioned, we purchased 10 more double-deck cars at a cost of \$1.6 million. All of this was expansion to handle additional commuters. And I hope there's a lot more expansion to come.

Question. Do you feel that sociology is with your commuter service as Chicago gets more congested?

Answer. Yes, I do. When Chicago's expressway were opened we lost a very sizable number of passengers. But Chicago's expressways are already obsolete in that they are handling more traffic than they were designed to handle—and they're not even 5 years old. We feel we have regained some of the business we had lost to the expressways, although it is a little hard to calculate because of the sharp increase in passenger count following the North Shore abandonment. We also definitely notice an increase in riders on off-peak trains.

Question. Has there been a year-by-year pattern of people coming back to the commuter service?

Answer. I think a definite pattern would be discernible except for the fact that there have been factors that have had a disruptive effect. Before the expressways were built we had a pattern of steady growth; this reversed itself as soon as the expressways were opened to the public. Another adverse effect was the 30-day strike in 1962 which caused us to lose more commuters than we could afford. On the other hand, the North Shore abandonment had a strong positive effect on our passenger load, and, of course, we are convinced the quality of our present service is a major factor in bringing new riders to us.

Question. Do you feel that Government's increasing role in metropolitan transportation is justified?

Answer. I think so—where people were not being given adequate service in the beginning.

In our case, however, I do not agree with Government aid to any form of mass transit which would permit expansion into our territory where we are providing adequate service. We think we have some of the finest suburban service in the world and we feel

11742

CONGRESSIONAL RECORD — SENATE

May 27

that the Government cannot justify establishing competitive service into areas where we are already serving the public.

We also disagree with the efforts of Chicago Transit Authority to secure money to expand in the median strip of the Northwest Expressway into communities that we now provide with what we think is excellent service. We opposed that and we will oppose it again. In the commuter territory served by the North Western we don't think there is any need to provide Government help.

Question. Mr. Fitzpatrick, do you have any suggestions how transportation facilities can be rationalized to prevent duplication and waste in a large metropolitan center like Chicago?

Answer. I am not sure that it can be accomplished—short of establishing an agency charged with the task. We have attempted to work out some coordination with other forms of mass transit in Chicago and into the suburbs. We haven't achieved all we would like in the way of a coordinated operation. We have made many suggestions which, from our point of view, appear practical. Because of the many interests involved—commuter railroads, CTA, buses, highway people and the general public—I think it would take something in the nature of a commission with considerable authority.

EXHIBIT II

Revenue passengers carried on transit lines of the United States in December 1963 and during the 12 months ending Dec. 31, 1963, distributed by population groups

Population group	December 1963		12 months ending Dec. 31, 1963	
	Thousand passengers	Percent change from 1962	Thousand passengers	Percent change from 1962
Cities over 500,000 (total).....	379,101	+0.86	4,404,654	-2.33
Rapid transit lines.....	144,218	+3.01	1,660,624	-2.55
Surface lines.....	234,883	-42	2,744,030	-2.30
250,000 to 500,000.....	64,704	-5.13	780,731	-6.31
100,000 to 250,000.....	49,366	-5.37	570,243	-6.55
50,000 to 100,000.....	34,881	-4.74	468,660	-5.60
Less than 50,000.....	14,977	-60	193,832	-6.04
Total, all cities.....	549,029	-92	6,418,120	-3.57
Suburban and other.....	39,877	-21	448,341	-3.86
Grand total.....	588,906	-88	6,866,461	-3.59

Source: American Transit Association.

Mr. THURMOND. Mr. President, will the Senator from Ohio yield?

Mr. ELLENDER. Mr. President—The PRESIDING OFFICER (Mr. BAYH in the chair). The Senator from Louisiana has the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may comment on the address just made by the Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I commend the distinguished and able senior Senator from Ohio [Mr. LAUSCHE] for the splendid address he has made, and I desire to associate myself with his remarks.

The Senator, as always, has brought out some very important points concerning the mass transit proposal. There is no constitutional authority to be found which would uphold the mass transit proposals. Certainly, the commerce clause provides no basis, and the general welfare clause of the Constitution can by no means be stretched far enough to include such a bill.

This is a highly extravagant program which our country cannot afford at the present time.

I note, in this regard, that the administration has requested from Congress an increase in the national debt limit from \$315 billion to \$324 billion. If this mass transit proposal should be enacted, further increases in the national debt limit would be forthcoming. Congress should be waging a war on extravagance and then open a battle aimed at this particular proposal. Many communities

have shown that this is a proposal which can and should be coped with on the local level. If Congress decides to enter the field, history has proved that local initiative will falter and eventually die. The local community involved will look to Washington for the solution of its local transit problems.

Experience shows that when the Central Government subsidizes, it also controls. Control in the area of local mass transit could very well expand and lead ultimately to nationalization of other modes of transportation, particularly the railroads.

The proposals now pending in Congress are no more than foot-in-the-door measures. From this first step many more would follow.

The program should be rejected in its infant stage.

Again, I commend the able Senator from Ohio for his address.

Mr. LAUSCHE. I thank the Senator for his comments.

LET US BEGIN TO WAGE PEACE IN SOUTHEAST ASIA AT THE CONFERENCE TABLE

Mr. ELLENDER. Mr. President, I now yield to the Senator from Alaska [Mr. GRUENING] under the same conditions as I yielded to the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, it is still not too late for the United States to wage a determined fight at the conference table for peace in the entire southeast Asia.

Donald Grant, able U.N. correspondent and foreign news analyst for the St. Louis Post-Dispatch, in a thoughtful article published in the May 25 issue of the Nation has blueprinted an "Alternative to Disaster." He, too, agrees that peace and neutralism in Laos, Cambodia, North Vietnam, and South Vietnam must come through the United Nations.

Mr. Grant states:

The first step is to convene another meeting of the nations involved in the South Vietnam affairs, a meeting similar to the one in Geneva in 1954, which ended the Indochina war with France. This time the purpose would be to hammer out an acceptable plan for neutralizing the entire area. * * * And this time there should be no non-signatories to the agreement, as were the United States and its chosen government in South Vietnam in 1954.

As a second step, Mr. Grant proposes that the neutralization plan worked out be brought to the Security Council of the United Nations for enforcement by that body.

I ask unanimous consent to have Mr. Grant's article printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

VIETNAM: ALTERNATIVE TO DISASTER (By Donald Grant)

It is not really very difficult to demonstrate that the U.S. involvement in the civil war in South Vietnam is a wasteful and futile exercise. Two correspondents in Saigon have just received a Pulitzer Prize for overcoming that difficulty: the story of ever-mounting casualties and expenditures and of diminishing returns for American policy objectives is on public record. Senator WAYNE MORSE, of Oregon, has assembled the facts and the evidence in a notable speech to his colleagues that is recommended reading.

Senator MORSE concluded that the mess in South Vietnam should be turned over to the United Nations, at the same time acknowledging, in part, the difficulties involved. The United Nations is not a world government; it lacks both the power and the political mechanism to force a peaceful solution to a direct confrontation between major powers. In the case of South Vietnam, however, the United Nations has real possibilities for usefulness that have not been explored. It is a pity that this unthinkable thought has never been pursued seriously in the State Department since the United States plunged recklessly into Vietnam in 1955.

There are a number of possible explanations for this paralysis of imagination in Washington. How can the United Nations act effectively in a situation that involves, among other nations, the People's Republic of China, North Vietnam, and South Vietnam, none of which is a member of the United Nations? Moreover, as Senator MORSE so ably demonstrated, the American position in South Vietnam is legally and morally compromised. Would not exposure of this abominable reality before our enemies and quasi-friends in the U.N. further damage American prestige?

So we go on, spending \$1.5 million a day, sending in upward of 15,000 American troops, some of whom return with full honors but quite dead. From time to time, figures are published to show that members of the Communist Vietcong have been killed or captured by the hundreds. And other figures show that the theoretical strength of the Vietcong is just about what it has been right along.

1964

CONGRESSIONAL RECORD — SENATE

11743

Periodically, we take a nervous glance at the areas surrounding Vietnam. There was an American project a while back to upset the neutrality in Laos, in favor of the right wing; by now we would settle for neutrality in the Suvanna Phouma center, but find it not easy to restore broken eggs to their shells. Cambodia's Prince Norodom Sihanouk seems much too happy when visiting Peiping. The State Department people comfort one another by saying the Cambodian Premier is something of a playboy and does not really mean it. Even Thailand—the headquarters for John Foster Dulles' SEATO was established in Bangkok—is taking a second look at its all-out commitment to the United States. Historically, the Thais have been good judges of political reality; they maintained their independence through the era of colonialism by playing off the greater powers one against the other.

Instead of these rapid and anxious glances, the time has come for Americans to take a long and resolute look at their position in the whole of southeast Asia. Using a minimum of commonsense we could, I think, learn a good deal. For example:

The most useful area to deal with is not a swampy piece of real estate called the Mekong Delta, but the entire area covered by the successor states to the old French Indochina—Cambodia, Laos, North Vietnam, and South Vietnam.

The problem is not chiefly military, but political.

As such, it involves a number of nations, large and small—but no viable solution can be reached without consulting the People's Republic of China.

For reasons exhaustively detailed by Senator Morse—reasons legal, moral, political, and practical—it is highly desirable to achieve a solution through the United Nations.

It is not very helpful to try to internationalize the problem of Vietnam through SEATO, by inducing a few troops from the Philippines to join the battle. NATO could not solve the Cyprus problem, and SEATO is a midjet compared to NATO, the wounded giant.

What is required is peace, and the isolation of southeast Asia from the struggles between the great powers. That will not solve all the problems in the area: new nations everywhere are going for some time to have what U.N. Secretary General U Thant has called "teething troubles." But with some foresight these troubles can be prevented from escalating into dangerous confrontations between the large nations. That is what President Charles de Gaulle of France meant when he spoke of neutralizing southeast Asia. It is what Senator Morse had in mind when he urged that the problem of South Vietnam be turned over to the United Nations.

Time is scarce. As Senator Morse noted, even now there is talk of U.S.-led attacks on North Vietnam. He also suggested that Peiping could not be counted on to accept this offensive passively.

"This escalation on both sides," he told the Senate, "can only lead to a disaster for the United States. It can only lead from being bogged down in South Vietnam to being bogged down in North Vietnam and then to being bogged down in China. All the briefings on that subject matter that I have received thus far in my many years in the Senate show that is not the place to pick as a battleground with communism."

If that is where the present course is leading, it may not be so unthinkable, after all, to consider the obvious alternative to disaster. The U.N. must play a role in that alternative, but not an initiating role. The first step—and as soon as possible—is to convene another meeting of the nations involved in the South Vietnam affair, a meeting similar to the one in Geneva in 1954, which

ended the Indochinese war with France. This time the purpose would be to hammer out an acceptable plan for neutralizing the entire area—Laos, Cambodia, North Vietnam, and South Vietnam. And this time there should be no nonsignatories to the agreement, as were the United States and its chosen government in South Vietnam in 1954.

The Geneva meeting included Cambodia, North Vietnam, South Vietnam, Laos, France, the Soviet Union, Britain, the People's Republic of China, and the United States. There is no reason why other interested nations should not be invited. The Vietcong, which appears to operate with a considerable degree of autonomy, probably should be represented.

Negotiations designed to neutralize the successor states to the old French Indochina should begin outside the United Nations because key nations, including Communist China, are not members. But the project would not end at such a meeting. A plan, once agreed upon, would be presented to the United Nations Security Council, and the Council, would be asked to set up a peacekeeping force to guarantee that neutralization became and remained a fact.

Further, as the United Nations forces entered South Vietnam, U.S. forces would leave. U.N. forces would also be stationed in North Vietnam, Laos, and Cambodia. As an incident to peace, the border dispute between Thailand and Cambodia would have to be settled. The most difficult task, however, would be to achieve an equitable ending to the civil war in South Vietnam.

A longing for peace certainly is not foreign to the people in South Vietnam. More important, it is a perhaps harsh reality of world relations that the representatives of small nations or fractions of nations in southeast Asia would find it extremely difficult to reject the concerted will of the United States, Britain, France, the Soviet Union and the People's Republic of China.

But what do we mean by neutralization? A State Department official recently told me that any neutralization plan for southeast Asia was unrealistic because "no Communist nation ever gives up communism, and North Vietnam would not." The issue, however, is not whether the bus lines in Hanoi are state owned or the property of free, private enterprise. Yugoslavia is a Communist state—and a neutralist one. The essence of neutralization, in this context, is that the state in question must not be used as a pawn by any of the great powers.

Until an attempt is made to find out, it is impossible to know whether Peiping would accept a neutralization plan. But it is not totally unreasonable to assume that Mao Tse-tung would welcome the removal of U.S. forces from the proximity of his southern borders. Advantages for the United States are obvious. North Vietnam would be less subject to pressure from Peiping. The American expenditure of men and money would cease, and the danger of our involvement in a major conflict under the least favorable terms would be avoided.

Since neutralization of southeast Asia is fervently advocated by De Gaulle, one can assume French cooperation. British cooperation is almost as automatic: stabilization of the old Indochina area would ease relations for them in Malaysia and Hong Kong. Soviet Premier Nikita Khrushchev has staked his career on peaceful coexistence and the support of neutralism. This alone does not assure Soviet cooperation, but Moscow now runs the danger of overextended commitments in an area where the power of decision tends to rest with Peiping. This is not in the Soviet interest. Peace could hardly be unwelcome in Laos and Cambodia; both strive for neutralism now, with only partial success. Everything we know about

Ho Chi Minh, the North Vietnamese leader, leads one to believe he would be delighted to escape from the role of the little fish ever about to be swallowed by the very large Chinese fish.

This plan for peace and neutralism in Laos, Cambodia, North Vietnam and South Vietnam has been under private discussion within the United Nations. As U.N. diplomats turn it over in their minds some interesting facets appear. Laos and Cambodia are already members of the United Nations. It would be highly desirable, in connection with the neutralization plan, for North Vietnam and South Vietnam also to be admitted. They could come in as separate states, but without prejudice to future integration, as provided in the Geneva agreement of 1954. There are precedents for this in the merger of Egypt and Syria, and their later resumption of separate nationhood, and in the current merger of Tanganyika and Zanzibar. U.N. membership rules and practices readily encompass such developments.

Furthermore, the admission of North Vietnam and South Vietnam would itself be an interesting precedent. How about North Korea and South Korea? How about East Germany and West Germany? How about—for that matter—mainland China and Taiwan? This, to be sure, will also occur to the astute gentlemen in Peiping, but as U Thant noted recently, a few unthinkable thoughts may also be good for people other than Americans—among them the Chinese.

By participating in a conference of nations directly interested in the southeast Asia problem, and by seeing the decisions of that conference underwritten by the United Nations, Communist China would have a chance to test the winds blowing from the East River. The United States and the Soviet Union could test Chinese intentions at close quarters, and a step would have been taken toward including the dragon within the world system.

Policing neutralism in Laos, Cambodia, North Vietnam and South Vietnam would be a tough assignment, and there is reason to believe that U Thant would welcome it. Peace is Thant's business. He also believes the United Nations grows in strength by using its muscles. With advance agreement among the great powers, he could anticipate vigorous and unanimous action by the Security Council, which would help make his task more feasible.

There still remains, of course, the business of the dominoes—the theory that unless the Vietcong is utterly effaced in South Vietnam, all of southeast Asia will fall to communism, piece after piece. The domino metaphor was always dubious; it loses all relevance if neutralism in Laos, Cambodia, North Vietnam and South Vietnam is guaranteed by a United Nations peace force on the spot.

Southeast Asia is a complex of islands and peninsulas inhabited by a variety of human being of several cultures, subcultures, religions and political and socioeconomic systems. None is really suitable as a counter in a parlor game, whether played in Moscow, Peiping or Washington.

Mr. GRUENING. Mr. President, time is running out in southeast Asia. Without active leadership on the part of the United States to bring about peace in that troublesome area, time is on the side of war—not peace.

Already the belligerent voices of those who want to escalate the fighting there are to be heard on all sides. It is indeed frightening to hear those voices advocating the use of atomic weapons in North Vietnam. At a time when weaponry has advanced—if that is the correct term to use—to the point where civilization can literally be wiped off

11744

the face of the earth at the press of a button, it is discouraging to hear and read exhortations by those who should know better for the United States deliberately to risk a general nuclear war.

All serious students of the problems besetting southeast Asia are agreed that peace in that area will be achieved only through negotiations at the conference table and not on an ephemeral battlefield.

That the so-called limited use of nuclear weapons in southeast Asia is under active discussion—at the Pentagon, at least—was discussed by Hanson W. Baldwin in his article published in the New York Times last Tuesday.

According to Mr. Baldwin, those advocating the limited use of nuclear bombings assert that such bombings would "serve to demonstrate to Hanoi and to Peiping the determination of Washington to carry the war to North Vietnam unless President Ho Chi Minh of Communist North Vietnam halted his aid to the Communist Vietcong operating in the South. The initial targets suggested were powerplants, some key bridges and a few factories, selected to minimize loss of life."

I ask unanimous consent to have Mr. Baldwin's column, published in the New York Times of May 26, printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

A-WARFARE IN VIETNAM—RED'S SUPPLY ROUTES HAS SOME SUPPORT GOLDWATER'S ADVOCACY OF INTERDICTING

(By Hanson W. Baldwin)

The utilization both of nuclear and conventional weapons to expose and interdict Communist supply lines to South Vietnam has long been under study in the Pentagon. Senator BARRY GOLDWATER brought some of these discussions into the political forum over the weekend when he suggested—his spokesman said he merely "discussed"—the possible use of nuclear weapons to defoliate the trees over jungle trails and of conventional weapons and to destroy bridges, roads, and railroads in North Vietnam.

The Arizona Republican said he strongly advised that we interdict supply routes, wherever they may be.

Such action has been advocated by some military men as part of contingency plans. The Navy and the Air Force proposed some time ago the utilization of U.S. planes to undertake, in conjunction with a naval blockade, token bombings with conventional weapons of thinly populated areas in North Vietnam.

DEMONSTRATION BOMBINGS

The bombings, it was maintained, would serve to demonstrate to Hanoi and to Peiping the determination of Washington to carry the war to North Vietnam unless President Ho Chi Minh of Communist North Vietnam halted his aid to the Communist Vietcong operating in the south.

The initial targets suggested were powerplants, some key bridges and a few factories, selected to minimize loss of life. If the hint were not taken or the Communist stepped up their war effort still unapproved contingency planning envisaged sea and air blockades of North Vietnam. These would utilize sea mines, naval vessels and the destruction of bridges, roads, and railroads leading from China into Vietnam.

The supplying of the Vietcong guerrillas in the south from North Vietnam does not, how-

ever, depend to any large extent on formal communication routes.

Many hard-core Communists filter into the south with new weapons over the so-called Ho Chi Minh trail. This consists of many alternative trails leading over the mountains and through the jungles from North Vietnam and Laos into South Vietnam. Other infiltrators operate out of a secure sanctuary in Cambodia; a few come in by sea.

SOME ATTEMPTS MADE

Various means of checking or cutting these diffuse and hidden supply lines have been suggested. Some methods have been tried and been found wanting. Ambushes along the jungle trails have been only intermittently successful.

Defoliation experiments have been carried out, usually along South Vietnam's main communication routes, in attempts to eliminate the cover that the verdant forests and mangrove swamps provide for Communist ambushes. Chemical herbicides sprayed from aircraft have had localized and limited utility.

The suggestion that nuclear weapons might be used to block routes through mountains, rain forests, valleys, mangrove swamps, or bamboo groves was discussed at length in 1960 in the spring issue of the Air University Quarterly Review. The magazine is described as the professional journal of the Air Force, but neither its authors nor its articles reflect official opinion.

In an article entitled "Nuclear Weapons and Limited War, Gen. Frederic H. Smith, Jr., now retired but then Commander in Chief, U.S. Air Forces in Europe, and later Vice Chief of the Air Staff, cited some of the terrain of southeast Asia in discussing what nuclear weapons might do.

HAPHAZARD USE OPPOSED

He emphasized that such weapons cannot be used haphazardly. "Certain very clear-cut restrictions," he said, must be placed upon their use—restrictions in targets, in yields, and in character of bursts."

He said new criteria were required in the selection of targets for nuclear weapons in limited war.

General Smith discussed what he called situation-control targets; for example, the use of nuclear weapons to destroy forest cover and "the closing of narrow gorges in mountains by causing extensive landslides." He declared that the airburst of a single nominal-yield (20,000 tons) nuclear weapon would clear a forest area about 8,000 feet in radius.

"To achieve a similar effect with napalm," he said, "would require 8,000 sorties of F-100 (fighter-bomber) aircraft, each carrying four 120-gallon drop tanks. Not only would 32,000 tanks have to be transported to the operating base, but 25 million pounds of napalm would also have to be provided, over and above 8,000 sorties worth of fuel."

The general considered the use of nuclear weapons against a valley defile covered by large trees and groves of bamboo. A nominal-yield weapon, he said, would break branches from trees to an effective diameter of approximately 15,000 feet. He said trees stripped of leaves and stem breakage, would extend out to approximately 22,000 feet.

In his conclusion, General Smith argued for a general acceptance by the United States of the requirement for the use of nuclear weapons in limited war. The United States, he asserted, cannot afford to try to match Asian manpower in conventional warfare on the ground.

Mr. GRUENING. Mr. President, those advocating nuclear bombings in North Vietnam are unrealistic in the extreme. The United States does not endanger itself either to the people of North Vietnam or to the people of South Viet-

nam by laying waste indiscriminately powerplants and factories in North Vietnam and, in the process, atomizing innocent men, women, and children.

The image of the United States has not improved in the world by its napalm bombings of entire villages in South Vietnam. Bad as that is, it would be infinitely worse were we also to use atomic weapons.

The Washington Post and Times Herald is absolutely right in saying that the use of such weapons in the fighting in southeast Asia should cease. I ask unanimous consent that the editorial published in today's Washington Post entitled "Defoliants in Vietnam," be printed in the Record at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

DEFOLIANTS IN VIETNAM

The miscalculation that caused the destruction by defoliants of crops in a friendly South Vietnam village has again called into question the wisdom of using such agents at all in this kind of war. This sort of unselective and nondiscriminating warfare, like the use of napalm and similar weaponry, simply is not suited to the pursuit of guerrilla infiltrators. We are burning the barn to get at the rats.

The employment of the devices of chemical warfare even in enemy country where the inevitable hardships fall upon the enemy's civilian population is open to all sorts of ethical doubts. Their employment in a civil war, where the consequences are visited upon a civilian population we are trying to defend is folly compounded.

Their consequences of employment by error and miscalculation are simply terrible. But we can avoid the results of error, in the employment of these weapons, by not using them at all in an environment for which they are totally unsuited.

Mr. GRUENING. Mr. President, Art Buchwald, in his column "Capitol Punishment," published in the Washington Post and Times Herald on May 26, 1964, entitled "How Are Things in Nonamara," treats the entire subject of escalation of the war in southeast Asia in a semi-humorous vein, with an underlying theme of grim seriousness and truth. The article is worth reading in full:

CAPITOL PUNISHMENT—HOW THINGS ARE IN NONAMURA

(By Art Buchwald)

When the country of Nonamara in central Africa started having troubles with tribes in the north, it asked the American Ambassador for advice.

The American Ambassador said he didn't know much about military affairs, but perhaps the United States, as a gesture of friendship, would send a military adviser to straighten out the matter.

A U.S. Army sergeant was dispatched from Tripoli. A few days he wrote his superiors: "I am shocked to find Nonamara soldiers still using poison darts, spears, and World War I rifles. Urge immediate shipment of up-to-date small arms."

The request was approved and the Nonamara army not only received surplus American small arms, but also three advisers, led by a captain, to see that they were used properly.

The captain and advisers distributed the small arms, but realized that if they were to be effective the Nonamara army would need transportation. The captain cabled: "Please

1964

send U.S. trucks and weapons carriers with team of specialists at once as war going badly in north."

The transportation specialists, commanded by a major, showed up and after studying the situation the major cabled back: "In order to make use of weapons carriers and trucks I strongly advise immediate dispatch of tanks. Otherwise cannot guarantee Nonamura army victory."

One hundred tanks with 990 tank experts, commanded by a colonel, were shipped in. Unfortunately, while the colonel was setting up the tank school, the rebel tribesmen overran a government position and stole most of the weapons supplied by the United States.

(The rest were sold at bargain prices to the rebels by a corrupt minister of defense.)

The colonel flew back to Washington to make a report. He advised the Pentagon to replenish the stolen weapons and, while they were at it, to include some flamethrowers, rockets, antiaircraft guns, and long-range artillery.

The Pentagon took the colonel's advice and the equipment was sent with a division of advisers from Ft. Benning, Ga., commanded by a major general.

He no more than got settled when he shot off a wire to the Joint Chiefs of Staff: "Impossible make any headway in Nonamura without air support. Strongly advise you send two squadrons of F-105 fighter aircraft plus training personnel. Cannot be responsible for what happens without air cover."

The Joint Chiefs sent two squadrons of jet aircraft and an entire training wing supplied by the Navy and headed by a vice admiral.

Unfortunately, at that moment the Nonamura government was overthrown and replaced by a military junta. The admiral cabled Washington: "Corrupt civilian government replaced by serious Nonamura generals. Strongly urge you recognize at once and give them \$50 million loan."

A month later a U.S. Air Force four-star general, who had replaced the admiral, wired the State Department: "Corrupt military junta replaced by pro-West Nonamura colonels. We must back them if we hope to defeat rebels."

By this time Congress and the press were getting interested. We had 200,000 military advisers in Nonamura. The President did the only thing he could do under the circumstances. He sent his Secretary of Defense to give him a firsthand report. The Secretary cabled the President: "War going well but Nonamura needs more military aid and lacks only \$124 million."

This was immediately voted by Congress. In spite of everything, things still aren't going too well in Nonamura. Just the other day the President received a request from the Joint Chiefs of Staff. All it said was: "Would you have any objection if we lent Nonamura 10 obsolete atomic bombs?"

Mr. President, escalation of the war in southeast Asia will bring no peace to that area. It will only enmesh the United States in fighting there for untold years to come at a cost of untold thousands of American casualties. The road to peace in southeast Asia lies through the conference table. The United States should take the leadership now in bringing about the necessary conferences to neutralize that entire area and in setting up the necessary peace-keeping machinery in the United Nations.

THE WARREN COURT: A TRIBUTE

Mr. GRUENING. Mr. President, the May 25 issue of the Nation prints a thoughtful analysis and estimate of what the Supreme Court of the United States

has achieved during the years that Earl Warren has been Chief Justice of the United States. I recommend its reading to those who for one reason or another have been critical of decisions of that tribunal in the last decade. The conclusion of Robert S. Hirschfield, the writer, is worth quoting. He writes:

The Supreme Court under Earl Warren's leadership has used the judicial policymaking power wisely and well to help realize the goals of our society. It has played a central role in fashioning a "colorblind" Constitution, in protecting freedom of thought and expression, in establishing higher standards for the administration of justice, in maintaining the "wall of separation" between church and state, and in achieving a more representative political system. In sum, it has contributed greatly to the preservation of constitutional rule and to the strengthening of democratic government in the United States, and it has done so under adverse conditions of global and domestic crisis. No court in U.S. history has acted more decisively to guard the Nation's basic law or to remind the American people of their political heritage.

Mr. President, this is a fine appraisal, with which I find myself in accord.

I ask unanimous consent that the article, "The Warren Court," by Robert S. Hirschfield, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WARREN COURT

(By Robert S. Hirschfield)

The Supreme Court's historic decision on February 17 that congressional districts must be substantially equal in population was only the latest manifestation of the active governmental role which the judicial branch has played during the decade of Earl Warren's chief justiceship. In fact, no Court has assumed a more evident policymaking function than the Warren Court. And none has been more vehemently attacked from so many quarters for involving itself in so wide a range of controversial issues.

As Justice William Brennan noted in an address last fall: "There is sectional opposition because of the desegregation cases; State opposition because of recent decisions involving State powers as they relate to aspects of criminal law; rural opposition because of the reapportionment cases; and church opposition because of the prayer case." He might have added that there is also opposition from ultrapatriots because of the Court's decisions protecting political nonconformity, from hypermoralists because of its rulings against censorship of allegedly obscene books and films, and from arch-conservatives in general because of its "libertarianism." Still other critics of the Warren Court include the chief justices of the highest State courts, who in 1958 called upon the Supreme Court to exercise greater self-restraint in dealing with Federal-State relations; and the American Bar Association, which adopted a series of resolutions in 1959 expressing concern over the judiciary's decisions on internal security problems.

Collectively, these opponents are formidable, and even though they have remained on the whole scattered and unorganized, they have not been ineffective. For example, after the Court's belated attempt in 1956-57 to reassert the constitutional guarantees trampled on during the McCarthy period, a coalition of civil liberties and civil rights restrictionists introduced Court-curbing legislation in Congress; and with the cry, "They put the Negroes in the schools and now they've driven God out," the coalition

reacted to the 1962 prayer-ban decision by proposing several constitutional amendments to nullify that ruling. None of these has been acted on, but they do put pressure on the Court and encourage other attacks.

Thus three anti-Court proposals which would radically alter our existing governmental system are now pending before the State legislatures. Sponsored by the general assembly of the States and designed to strengthen the States in the Federal system, these resolutions request Congress to call a convention for the purpose of amending the Constitution in various respects. The first would add to article V (procedures for amending the Constitution) a provision permitting the direct initiation of proposed amendments by two-thirds of the State legislatures; the second would eliminate Federal judicial authority over the apportionment of State legislatures; and the third would establish a court of the Union, composed of the States chief justices, with authority to review and reverse Supreme Court decisions that relate to the reserve powers of the States.

Criticism of the Court has come, however, not only from those whose oxen have been goaded. Suggestions that the Justices desist from formulating unnecessarily broad principles of constitutional law, that they eschew ruling on controversial issues which can be avoided without serious constitutional consequences, that they seek neutral principles on which to base their decisions, and that they refrain from public discussion of pending constitutional problems have also been made by academic and professional friends of the Court.

Most of these suggestions focus on the methods of judicial analysis used by the Warren Court, on its positive attitude toward the Court's function in our society, and on its activist behavior in the exercise of judicial power. But few of the Court's more responsible critics question the essential "rightness" of its major policymaking decisions over the past decade. And herein lies the clue to why its opponents have been unable to curb the Warren Court's authority: During the past 10 years that Court has been a vital instrument in defending and extending the political principles on which the Nation is founded. Racial equality and fair representation, freedom of expression and separation of church and state, due process of law and uniformly high standards of justice—these issues on which the Court has acted are critical tests of America's attachment to its own ideals, and attacks on the Court's decisions are attacks on those ideals.

If it is difficult to argue with the substance of the Court's landmark decisions, however, there is still a valid and serious question regarding its activities: Why is it that the judiciary has acted on so many important national problems, when the political organs of government are supposed to make public policy? This is not a simple matter, but the short answer is that the political branches cannot or will not act on those problems. Congress could not move on civil rights in the 1950's because of southern obstructionism; the rural-dominated State legislatures refused to reapportion themselves for decades on end; criminal defendants do not have a "lobby" to represent their interests; religion is too sensitive an issue for most politicians; and similarly there has been great difficulty in using political means to calm the anti-Communist hysteria generated by cold war tensions.

This inability of the political process to meet basic problems in our society accounts primarily for the Supreme Court's attempts to deal with them. The Court has acted as a catalyst in the movement to secure equal rights for the Negro and fairness in representation for all citizens, and it has stood as a protector of individual liberty against governmental restriction, because the needs

of the Nation have required action on these problems, and because the only place in our system of government where that action could be taken has been the Court. It has in this way operated according to a principle of organic compensation—analogue to the functioning of the human body—by which the inefficiency or incapacity of one branch of the body politic demands an increase in the activity of another if the society's health is to be preserved. The Supreme Court has indeed been involved in resolving many of our fundamental national problems, but the most relevant question regarding this judicial activity is: What would the result have been had the Court not acted on those problems?

To be sure, the Court could avoid, or postpone, ruling on some of the explosive issues presented, but it is an inherent and unique characteristic of our system that sooner or later, directly or indirectly, most of the Nation's important political, social, and economic problems become constitutional questions; and that the Supreme Court through its power to interpret the meaning of the Constitution must ultimately play a major role in resolving them. Contrary to the popular view, the Court is a political organ of Government, and policymaking is one of its functions. Moreover, the Court has on the whole—and clearly in recent times—been a responsive instrument of American democracy. Despite its appointive nature, it has often broken the trail for elected representatives intent on carrying out the popular will.

It is certainly legitimate to fear that the indefinite continuation of judicial policymaking in so many vital areas of American life could be dangerous both for the country and for the Court. But the principal responsibility for making such judicial activity unnecessary lies with the political branches, and in any event this fear should not be exaggerated. History demonstrates that the power of the Court will easily be checked whenever it loses touch with the needs and aspirations of the Nation.

The Supreme Court under Earl Warren's leadership has used the judicial policymaking power wisely and well to help realize the goals of our society. It has played a central role in fashioning a "colorblind" Constitution, in protecting freedom of thought and expression, in establishing higher standards for the administration of justice, in maintaining the wall of separation between church and state, and in achieving a more representative political system. In sum, it has contributed greatly to the preservation of constitutional rule and to the strengthening of democratic Government in the United States, and it has done so under adverse conditions of global and domestic crisis. No Court in U.S. history has acted more decisively to guard the Nation's basic law or to remind the American people of their political heritage.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from South Carolina under the conditions previously announced.

THE STRONG SHOWING BY GOVERNOR WALLACE IN RECENT PRESIDENTIAL PRIMARIES

Mr. THURMOND. Mr. President, it is well for the Senate to pause and give consideration to the factors behind the strong showing which Alabama Gov. George C. Wallace made in the recent presidential primaries in Wisconsin, Indiana, and Maryland. After all, the views of the people must be considered. According to an excellent analysis of the

Wallace vote in the U.S. News & World Report, there seems to be a strong undercurrent of opposition to the pending so-called civil rights legislation in Wisconsin, Indiana, and Maryland and other States outside of the South.

In the June 1, 1964, issue of U.S. News & World Report, there are five articles which deal with this subject. One is an analysis prepared by the staff of the U.S. News & World Report entitled "What Wallace Vote Proved in North." Another contains comments by newspaper editors in Maryland on the Wallace vote; and another consists of an interview with Governor Wallace himself. Also included is an article on the accuracy of polls in the 1964 elections and a brief analysis of the Wallace vote in Indiana.

I ask unanimous consent, Mr. President, that these five articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

WHAT WALLACE VOTE PROVED IN NORTH

Gov. George C. Wallace came out of the Deep South in early April to test voter sentiment in presidential primaries of two Northern States and a border State.

In each of these States, the Alabama Governor came under sharp attack from the press, from the pulpit, and from political leaders in both parties. His own State of Alabama was depicted as a region of race hatred and violence.

After the final tallies had been made from the primaries in Wisconsin on April 7, in Indiana on May 5 and in Maryland on May 19, politicians saw these trends revealed:

1. There is important resistance by voters in the North to an enlargement of Federal powers to police race relations within individual States.

2. Large ethnic groups in and around big cities are aroused over the issues of States' rights that Governor Wallace raised.

3. Suburban areas around the larger cities are sharply divided. Many people in these areas show strong opposition to the intrusion of the Federal Government into local affairs, particularly those affairs affecting neighborhood schools.

Wallace vote in three primaries

WISCONSIN, APRIL 7	
Wallace.....	286, 136
Gov. John W. Reynolds.....	522, 405
Wallace share of total Democratic vote (percent).....	33.7

INDIANA, MAY 5	
Wallace.....	172, 646
Gov. Matthew E. Welsh.....	376, 023
Wallace share of total Democratic vote (percent).....	29.8

MARYLAND, MAY 19	
Wallace.....	212, 088
Senator DANIEL B. BREWSTER.....	264, 813
Wallace share of total Democratic vote (percent).....	42.66

FEARS OF VOTERS

In private, politicians say that the votes that have been rolled up for Mr. Wallace reflect a fear on the part of the voters of what a Federal police force armed with new powers would be able to do to job patterns, property values, schools, and the makeup of neighborhoods.

Smaller businessmen, the reports say, also fear the effect of a grant of power to judges to impose fines and put people in jail without jury trial in enforcing laws in the broad new fields.

Important political leaders in Washington are drawing these conclusions:

A white resentment against Negro demands and Negro demonstrations, disclosed by votes gathered in the North by Governor Wallace, is proving to be very real and is growing.

Racial demonstrations this summer, threatened by Negro leaders for some big cities, could intensify what at present is being interpreted as an incipient revolt by white voters.

Seats in the House of Representatives, now held by Democrats in the North and regarded as safe in the past, are beginning to move into the doubtful area. The view now is that some of these may be hard to hold in November.

LIBERALS JOLTED

The vote in Maryland on May 19 proved a shock for some of the liberal Democrats.

In advance of the election, some of these had predicted that Mr. Wallace would get about 35 percent of the vote. They thought this was a high estimate.

But when the ballots were counted, the Governor emerged with 43 percent of all those cast in the Democratic primary. Senator DANIEL B. BREWSTER, running as a stand-in for President Johnson, got 53 percent. A scattering of votes went to minor candidates.

The Alabama Governor appeared to have received a majority of the votes of all whites in the Democratic primary. He carried 16 of the 23 counties in the State, carried 2 of the 8 legislative districts in the city of Baltimore, swept all 9 counties on the Eastern Shore, an area of southern heritage and with a background of racial strife.

Inside Baltimore, the Alabama Governor ran well in areas populated by voters of foreign descent and in districts that are filled with industrial workers.

Of the 7 counties carried by Senator BREWSTER, 4 are mountain counties along the borders of Pennsylvania and West Virginia and hold few Negroes. Two are counties in the Washington, D.C., suburbs. The seventh, held by only 106 votes, is Baltimore County.

A shift of only 54 votes in Baltimore County would have entitled Mr. Wallace to Maryland's 48 votes in the Democratic National Convention at Atlantic City in August if the primary had been held under the unit rule that formerly controlled Maryland primaries. This rule has been held by the courts to be unconstitutional, although a suit to determine whether the ruling applies to presidential primaries was pending at the time of the election.

With white voters giving a small plurality to Governor Wallace, it was the Negro votes who really saved Senator BREWSTER and held the Maryland delegation for President Johnson.

Even in Baltimore City, where the Democratic Party organization is strong, most of the white precincts went to the Alabama Governor. But, in the same city, Charles Whiteford, of the Baltimore Sun, reported that Negro Democrats gave the most dramatic display of block voting seen in Maryland.

Eighty-six selected precincts in predominantly Negro areas showed how the voting went. In 17 all-Negro polling places, Mr. Wallace did not get a single vote. In 69 other precincts that are predominantly Negro, Mr. Wallace got fewer than 6 votes per precinct. One of these precincts voted 1,516 for Senator BREWSTER and 4 for Mr. Wallace.

The 86 Negro precincts produced about 19,000 votes for Senator BREWSTER and fewer than 500 for Mr. Wallace.

MARYLAND ANALYZED

What happened in Maryland? Why did so many votes go to Mr. Wallace?

A political analyst with official ties and close to day-to-day developments came up with the answer that follows: